

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOBIAS MOELLER-BERTRAM,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

GEMINI TRUST COMPANY, LLC; and
DIGITAL CURRENCY GROUP, INC.,

Defendants.

Case No. 1:23-cv-02027

STIPULATION AND [PROPOSED] ORDER

WHEREAS, plaintiff Tobias Moeller-Bertram (“Plaintiff”) commenced the above-captioned putative class action (the “Action”) on February 22, 2023 in the Supreme Court of the State of New York, New York County, against Defendant Digital Currency Group, Inc. (“DCG”) and Defendant Gemini Trust Company, LLC (“Gemini,” together with DCG, “Defendants”);

WHEREAS, on March 9, 2023, Defendant DCG removed this Action from the Supreme Court of the State of New York, New York County to the Southern District of New York;

WHEREAS, on March 15, 2023, this Court granted Plaintiff and Defendant DCG’s stipulated request to stay Defendant DCG’s time to answer, move, or otherwise respond to the Complaint in the above-captioned action until after the Court’s resolution of Plaintiff’s anticipated motion to remand this Action to state court;

WHEREAS, on April 7, 2023, Plaintiff moved to remand this Action to the Supreme Court of the State of New York, New York County;

WHEREAS, on May 15, 2023, this Court denied Plaintiff’s motion to remand;

WHEREAS, pursuant to the Stipulation and Order entered by this Court on March 15, 2023, Plaintiff and Defendant DCG are to submit a proposed schedule for approval governing DCG's time to answer, move, or otherwise respond to the Complaint by May 30, 2023;

WHEREAS, DCG intends to file a motion to transfer venue to the District of Connecticut;

WHEREAS, counsel for Plaintiff indicated that Plaintiff intends to oppose DCG's motion to transfer;

WHEREAS, counsel for DCG and counsel for Plaintiff have conferred and agree that DCG's response to the Complaint should be further deferred in light of the foregoing.

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, as follows:

1. Defendant DCG's time to answer, move, or otherwise respond to the Complaint is stayed until after this Court resolves DCG's motion to transfer venue to the District of Connecticut.
2. If the Court denies DCG's motion to transfer venue, counsel for DCG and counsel for Plaintiff shall, within five (5) business days of the Court's order, confer regarding a proposed schedule for DCG's time to answer, move, or otherwise respond to the Complaint.
3. Within five (5) business days thereafter, DCG and Plaintiff shall jointly submit their proposed schedule to the Court for approval, or, if the parties are unable to reach agreement, then the parties shall each submit separate proposed schedules to the Court for approval.

Dated: May 23, 2023

IT IS SO ORDERED.

Judge Lewis J. Liman
United States District Judge

Dated: _____, 2023